

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KATE GORBATY,

Plaintiff,

-against-

ORDER
CV-10-3291 (NGG)

WELLS FARGO BANK, N.A., WELLS FARGO
HOME MORTGAGE, INC., and WELLS FARGO
HOME EQUITY,

Defendants.

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GOLD, S., U.S.M.J.:

In a submission filed on December 17, 2014, plaintiff moves for a stay of further proceedings pending determination of her anticipated motion for leave to amend her complaint. For the following reasons, plaintiff's motion is denied.

First, the case management schedule plaintiff seeks to stay was established during a conference held on November 5, 2014. Docket Entry 102. As the docket entry itself reflects, the Court was well aware that plaintiff planned on seeking leave to amend at that time. Accordingly, plaintiff's motion for a stay is essentially a motion for reconsideration. As such, it is untimely. *See* Local Civil Rule 6.3 (providing that motions for reconsideration must be served within 14 days after entry of the Court's determination of the original motion).

Second, the only basis for a stay advanced by plaintiff this Court can discern from her papers – that her counsel is too busy to attend to this case – is not persuasive in light of the ample time provided for the discovery events enumerated in this Court's order of November 5, 2014. Indeed, to accommodate plaintiff's scheduling concerns, this Court required defendant to conduct plaintiff's deposition on Sunday, February 8, 2015, a date selected by plaintiff herself that, at the time it was set, was three months away.

Finally, plaintiff's objection that she "has not agreed to the jurisdiction of magistrate [sic] Gold over this case," Docket Entry 107 at ¶ 8, is meritless. The Local Rules of this Court provide that the assigned Magistrate Judge is authorized to act "with respect to all non-dispositive pretrial matters unless the assigned District Judge orders otherwise." Local Civil Rule 72.2.

For all these reasons, plaintiff's motion for a stay is DENIED.

SO ORDERED.

/s/

STEVEN M. GOLD
United States Magistrate Judge

Brooklyn, New York
December 19, 2014

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